

ATTORNEY DOCKET NO.
069078.0104

PATENT APPLICATION
09/844,170

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. FLORENCE
Serial No.: 09/844,170
Filed: April 25, 2001
Group No.: 2874
Examiner: Hemang Sanghavi
Notice of Allowance Mailed: October 2, 2002
Confirmation No: 1739
Title: METHOD AND APPARATUS FOR
SWITCHING OPTICAL SIGNALS WITH
A PHOTON BAND GAP DEVICE

FAX RECEIVED

JAN 21 2003

PETITIONS OFFICE

BOX RCE
Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF
FACSIMILE TRANSMISSION

I hereby certify that this paper and any
enclosures are being transmitted by facsimile
to the U.S. Patent and Trademark Office on
the date shown below.

Signature:

T. Murray Smith, Reg. No. 30222

Date:

21 JANUARY 2003

REQUEST FOR CONTINUED EXAMINATION (RCE)

This is a Request for Continued Examination (RCE) of
the above-identified patent application under 37 CFR §1.114.
This application was filed on or after June 8, 1995, and
prosecution in this application has been closed. (In
particular, a Notice of Allowance has been issued, the issue
fee has been paid, and a patent is scheduled to issue on
January 28, 2003, but this Request is being submitted by
facsimile, along with a Petition requesting that this
application be withdrawn from issue).

01/22/2003 AKELLEY 00000007 020384 09844170

02 FC:1808 130.00 CH
03 FC:1801 750.00 CH

DAL01:716916.1

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Submission Required Under 37 CFR §1.114

In association with this Request for Continued Examination, Applicant will be submitting an Information Disclosure Statement. The provisions of MPEP §609-B(4) indicate that, where the size of the Information Disclosure Statement makes its submission by facsimile impractical (which is the case here), the Information Disclosure Statement does not need to be sent by facsimile with the Request for Continued Examination and the associated Petition for withdrawal from issue. Accordingly, in this case, the Information Disclosure Statement will be submitted in due course. Applicant is requesting a brief suspension of action (below) under 37 CFR §1.103, in order to give Applicant time to file the Information Disclosure Statement.

RCE Fee Required Under 37 CFR §1.17(e)

The Commissioner is hereby authorized to charge to Deposit Account No. 02-0384 of Baker Botts L.L.P. the RCE fee of \$ 750.00 (Fee Code 1801) required under 37 CFR §§ 1.114 and 1.17(e).

Request for Suspension of Action

Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of one month. The Commissioner is hereby authorized to charge to Deposit Account No. 02-0384 of Baker Botts L.L.P. the processing fee of \$ 130.00 (Fee Code 1808) required for the suspension of action under 37 CFR §§ 1.103 and 1.17(i).

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Deposit Account Authorization for Excess/Deficiency

The Commissioner is hereby authorized to credit any overpayment, or to charge any additional fee required by this paper, to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



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Date: January 21, 2003

Enclosures: None

DAL01:716916.1

TOTAL P.07